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10/631,211	07/31/2003	Harald Hinderer	11884-411501	1429
23838 7590 03/20/2008 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER				
ONYEZIA, CHUKS N				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/631,211

**Applicant(s)**

HINDERER, HARALD

**Examiner**

CHUKS ONYEZIA

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,8-12,14,15,32,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-12,14-15,34, and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C

***Response to Amendment***

2. Applicants' amendment and arguments filed on December 26, 2007 have been fully considered, and discussed below. It is noted that applicant has, canceled claims 2,7,13, 16-31, and 33, amended claims 1,6,8,12,14,and 32, and newly added claims 34 and 35. Therefore, 1,3-6,8-12,14-15,32,34, and 35 are pending and currently considered for examination.

***Election/Restrictions***

3. Newly amended claim 32 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the invention of claim 32 has a separate and distinct function, produces a different result and requires a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

Since applicant has received an action on the merits for the originally presented invention, this invention has been

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constructively elected by original presentation for prosecution on the merits. Accordingly, claim 32 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1-4, 6-10, 12-16, 18-24, 26, 27, 29, 31, 34 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. U.S. Patent Number 5,615,408 (PTO-892 Reference A) in view of Grossi et al. U.S. Patent Number 5,604,341 (PTO-892 Reference F).

6. As per claim 1, Johnson teaches a credit management system for managing information relating to credit of a telecommunications customer comprising:

a credit information manager, said credit information manager managing information relating to a credit limit and credit scoring of said telecommunications customer (See Johnson Col. 57 Lns 19-24) ;

a credit limit manager, said credit limit manager managing credit limit master data and calculating open and used credit for said telecommunications customer (Johnson Col. 9 Lns 44-54);

credit decision support, said credit decision support performing analyses of accounting information relating to said telecommunications customer (Johnson Col. 57 Lns. 25-33); and a credit rules engine, (Johnson Col. 8 Ln. 57- Col. 9 Ln. 17).

However, Johnson does not explicitly teach newly added limitation.

Grossi teaches, responsive to received customer information by:

placing a customer associated with the received customer information into a customer group (Grossi Col. 4 Lns. 31-32 and 44-45) examiner interprets the tiering of customers as a grouping;; determining, from among several credit information services external to the credit management system, an external credit information service to contact, requesting credit scoring information from said determined credit information service, receiving credit scoring information from said determined credit information service, storing said credit scoring information in association with the customer (Grossi Col. 3 Lns. 59-67),

calculating an internal credit score based upon said external credit scoring information and parameters stored

in association with said customer group, calculating a credit limit for the customer based on said internal credit score, and storing the credit limit in association with the customer (Grossi Col. 3 Lns. 25-31).

One of ordinary skill in the arts would have found it obvious to combine the teachings of Johnson and Grossi for the purpose of attaining a accurate credit determinations of a customer.

7. As per claim 2, (Canceled)
8. As per claim 3, Johnson teaches the above limitations of claim 1. Johnson further teaches said information input comprises said accounting information (Johnson Col. 8 Lns 57-59).
9. As per claim 4, Johnson teaches the above limitations of claim 3. Johnson further teaches said accounting information comprises sales volume information (Johnson Col. 20 Lns 58-64), dunning information (Johnson Col. 8 Lns 57-59), and payment history information (Johnson Col. 10 Lns 46-56).
10. As per claim 6, (see claim 1 rejection).
11. As per claim 7, (Canceled).
12. As per claim 8, Johnson teaches the above limitations of claim 6. Johnson further teaches step of storing said internal credit scoring (Johnson Col. 8 Lns 65-67).



13. As per claim 9, Johnson teaches the above limitations of claim 6. Johnson further teaches said information relating to said telecommunications customer comprises accounting information (Johnson Col. 8 Lns 57-59).

14. As per claim 10, Johnson teaches the above limitations of claim 9. Johnson further teaches said accounting information comprises sales volume information (Johnson Col. 20 Lns 58-64), dunning information (Johnson Col. 8 Lns 57-59), and payment history information (Johnson Col. 10 Lns 46-56).

15. As per claim 12, (see claim 1 rejection).

16. As per claim 13, (Canceled).

17. As per claim 14, Johnson teaches the above limitations of claim 12. Johnson further teaches determining if said internal credit scoring is still valid (Johnson Col. 9 Lns 18-23);

determining if said customer is active (Johnson Col. 9 Lns 23-25); and

if said customer is not active, adding said customer to an inactive list and not updating said customer's internal credit scoring (Johnson Col. 9 Lns 25-29).

18. As per claim 15, Johnson teaches the above limitations of claim 14. Johnson further teaches if said customer is not active, erasing a stored credit limit and credit scoring for said telecommunications customer (Johnson Col. 9 Lns 24-29)

examiner interprets the movement to an error log and handling service as a quarantine or erasure.

19. As per claim 16-31 (Canceled).

20. As per claims 34 Grossi teaches the customer groups include the group individual and the group company, wherein the parameters associated with the group individual are different from the parameters associated with the group company; and the external credit information service to contact for the group individual is different from the external credit information service to be contacted for the group company (Grossi Col. 4 Lns 31-45) examiner interprets the particular naming of the groups as non functional descriptive matter, applicants claim reads on a system and the naming or specific labeling of a group would not effect the operation of the underlying system.

21. As per claims 35 Grossi teaches wherein the customer groups include the group country and the group region, wherein, the parameters associated with the group country are different from the parameters associated with the group region; and the external credit information service to contact for the group country is different from the external credit information service to be contacted for the group region (Grossi Col. 4 Lns 31-45).

22. As per claim 32 (Restricted).

23. Claims 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Pillay et al. U.S. Patent Publication No. 2002/0042763 A1 (PTO-892 Reference B).

24. As per claim 32, Johnson teaches a method of automatically preparing a credit checklist for a telecommunications service provider, said method being designed to be run on a computerized platform and comprising the steps of:

obtaining information from an accounts receivable system (see Pillay ¶ [0044]);

obtaining information from a billing system (Pillay ¶ [0037]); and

taking information relating to a predetermined volume of telecommunications customers, critical telecommunications customers' information, and suspicious telecommunications customers' information and preparing a report therefrom (Pillay ¶ [0059] and [0066]).

25. As per claim 33, (Canceled).

26. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. U.S. Patent Number 5,615,408 (PTO-892 Reference A) and Grossi et al. U.S. Patent Number 5,604,341 (PTO-892 Reference F) in view of Natsuno U.S. Patent Number 7,231,202 B2 (PTO-892 Reference C).

27. As per claim 5, Johnson teaches the above limitations of claim 1. However, Johnson does not teach said information input comprises customer profession and age information. Natsuno teaches this limitation (see Natsuno Col. 8 Lns. 14-25). One of ordinary skill in the arts would have found motivation to combine these teaching for the purpose of managing credit information of system subscribers (see Natsuno Col. 6 Lns. 42-46).

28. As per claim 11, Johnson teaches the above limitations of claim 6. However, Johnson does not teach said information relating to said customer comprises profession and age information. Natsuno teaches this limitation (see Natsuno Col. 8 Lns. 14-25). One of ordinary skill in the arts would have found motivation to combine these teaching for the purpose of managing credit information of system subscribers (see Natsuno Col. 6 Lns. 42-46).

### ***Double Patenting***

29. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the

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examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of

record may sign a terminal disclaimer. A terminal disclaimer

signed by the assignee must fully comply with 37 CFR 3.73(b).

30. Claims 1-35 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-29 of copending Application No. 10/766,863. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: managing credit information of a customer.

31. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Response to Arguments***

32. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski

can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Onyezia 03/13/8

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691